THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.13946 OF 2006

ORAL ORDER:

Heard the learned counsel appearing for both the parties and perused the material on record.

Admittedly, the Inspector of Police, CBI, Kendriya Sadan, Koti, Hyderabad, registered a crime in the year 2001 against the petitioner and some others for the offence punishable under Section 120-B, 420 IPC and under Section 13(2) read with 13(1) (d) of the Prevention Corruption Act. After completion of investigation, charge sheet was filed on 14.7.2002 before the Special Court, and the case is now pending trial. The petitioner states that she was issued a passport bearing No.A.2617954, which is valid till 2007 and after registration of the criminal case, she was asked to surrender her passport to the 2nd respondent-Superintendent, Passport Office, Secunderabad and, accordingly, she surrendered the passport. Thereafter, investigation was completed, charge sheet was filed and the case is pending trial before the Special Court. Since the investigation was completed, according to the petitioner the condition of surrendering passport with the 2nd respondent had outlived. However, in spite of the requests made, the respondents failed to release the passport. Hence this writ petition seeking a writ of *mandamus* declaring the action of the respondents in not releasing the petitioner's passport as arbitrary and illegal.

A counter-affidavit has been filed on behalf of the respondents stating that after surrender of the passport, the respondents were not informed about the progress of the case and, in the meanwhile, due to efflux of time, as per the instructions of the Ministry of External Affairs, the passport of the petitioner was destroyed by the office of the respondents. However, it was stated that since the petitioner has already made an application for issue or renewal of her passport on 28.9.2006, the same is being considered in accordance with law.

Having regard to the stand taken by the respondents, without expressing any opinion as to the entitlement of the petitioner either for renewal or issue of passport, the writ petition is disposed of with a direction to the 1st respondent to consider the application of the petitioner dated 28.9.2006 and pass appropriate orders in accordance with law within a period of four weeks from the date of receipt of a copy of this order. No costs.

(G. ROHINI, J.)

12th October, 2006.
Issue CC by tomorrow.
Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No. 13946 OF 2006

12th October, 2006.

Between:

Mrs. V. Aruna Reddy. .. Petitioner.

And

The Regional Passport Officer,
Passport Office, Secunderabad and another. ..
Respondents.